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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,224

03/10/2004

Gabriel Joseph Caballero

14-04B

3480

23713 7590 05/31/2007  
GREENLEE WINNER AND SULLIVAN P C  
4875 PEARL EAST CIRCLE  
SUITE 200  
BOULDER, CO 80301

EXAMINER

THOMPSON, CAMIE S

ART UNIT

PAPER NUMBER

1774

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,224	<b>Applicant(s)</b> CABALLERO, GABRIEL JOSEPH	
	<b>Examiner</b> Camie S. Thompson	<b>Art Unit</b> 1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3 and 11-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 11-18 is/are allowed.
- 6) ☒ Claim(s) 19-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/4/07</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

1. Applicant's amendment and accompanying remarks filed April 4, 2007 are acknowledged.
2. Examiner acknowledges amended claim 2.
3. Examiner acknowledges cancelled claims 1 and 4-10.
4. The rejection of claims 1 and 4-10 under 35 U.S.C. 102(e) as being anticipated by Lindsey et al., U.S. Pre Grant Publication 2003/0169618 is rendered moot due to applicant's cancellation of claims 1 and 4-10.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

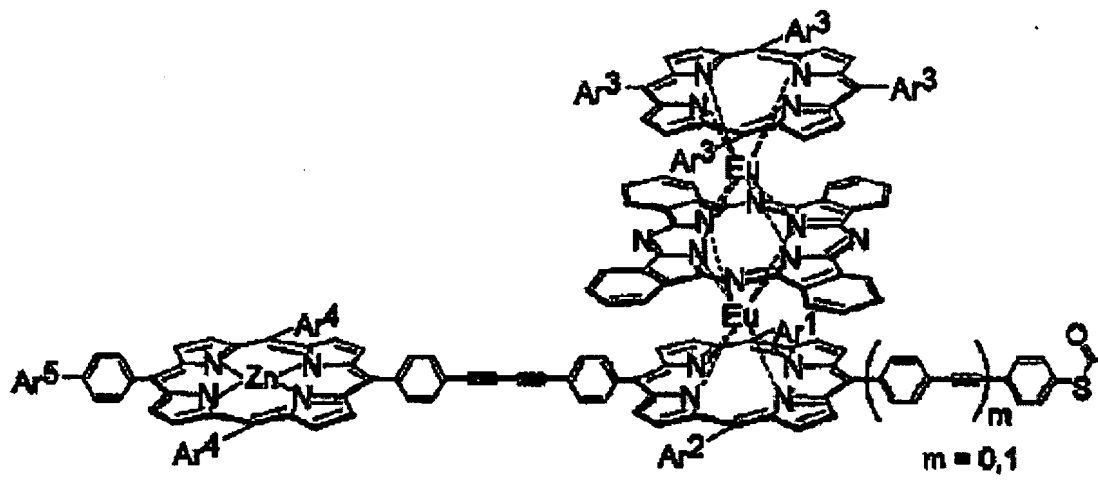
A person shall be entitled to a patent unless –


(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.


6. Claims 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindsey et al., U.S. Pre Grant Publication 2003/0169618.

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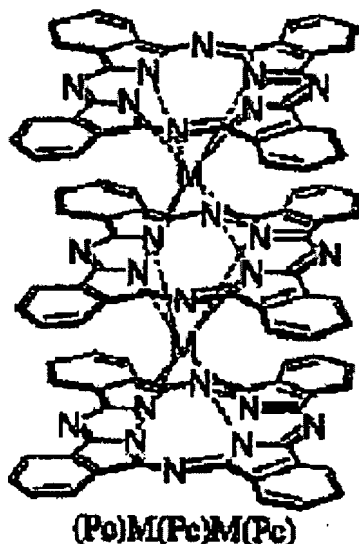
Lindsey discloses a molecule



The anchoring group is , the charge transport group comprises a conjugated group that

comprises at least one arylene group, , a light emissive group that includes a

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luminescer such as  $\text{Eu}^{+3}$ ,

and a charge transfer group that



includes an electron accepting group,

### *Double Patenting*

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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*Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

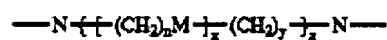
8. Claims 19-54 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-68 of copending Application No. 10/654586. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a light emitting device, organic light emitting device, display device and pixel element each comprising a light emitting molecule wherein the molecule comprises an anchoring group, a conjugated group, a light emissive group and a charge transfer group. The present application does not recite that the conjugated group is  $-(A-B)_m-A$  wherein A is an arylene group and b is selected from the group consisting of alkenylene, alkynylene or iminylene. The formula for the conjugated group of the referenced application is a species of the generic conjugated group. Therefore, it would have been obvious to one of ordinary skill in the art that the formulated conjugated group of the referenced application is

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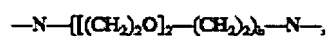
encompassed in the generic conjugated group of the present application. The present application recited a generic group for the conjugated group

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 2-3 and 11-18 are allowed. The prior art does not provide for the recited light emitting molecule further including the light emissive group having the formula



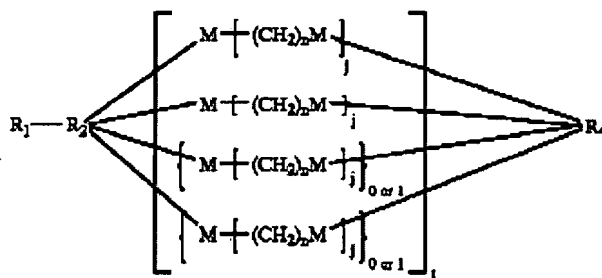
or



wherein M is independently selected from the group consisting of O, -NH-, NR and S, where R is a small alkyl group; n and y are independently intergers from 1 to 19; x is an integer from 1 to 19; and z is an integer from 1 to 3 and b is 2 or 3.

Also, the prior art does not provide for the recited light emitting molecule having the formula:

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wherein R1 is an anchoring group selected from the group consisting of a nitrogen atom, an oxygen atom, a silicon atom and sulfur atom; R2 is a conjugated group; R4 is a charge transfer group; M is independently selected from the group consisting of O, -NH-, NR and S where R is a small alkyl group; n is an integer from 1 to 3; j is an integer from 2 to 5; and t is an integer from 1 to 19.

### *Response to Arguments*

10. Applicant's arguments filed April 4, 2007 have been fully considered. The Lindsey reference reads on instant claims 24-30 in that claims 24-30 recite a light emitting molecule. The molecule of the Lindsey reference discloses an anchoring group; a charge transport group having a first and second end; a light emissive group bonded to the second end of the charge transport group; a charge transfer group covalent bonded to the light emissive group.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bruce Hess", with a stylized flourish at the end.

**BRUCE H. HESS  
PRIMARY EXAMINER  
GROUP 1300**